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Attorney for CEASAR MARTINEZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,	) No. 2:21-cr-00020-JAM
Plaintiff,	)
	) <b>STIPULATION AND ORDER TO CONTINUE</b>
v.	) <b>STATUS CONFERENCE</b>
	)
NEHEMIAH AVILA,	) Requested date: 11-5-2024
CEASAR MARTINEZ, and	) Time: 9:00 a.m.
	) Judge: Hon. John A. Mendez
Defendants.	)
=====	)

It is hereby stipulated between the parties, Adrian Kinsella, Assistant United States Attorneys, Todd Leras, attorney for defendant NEHEMIAH AVILA, and Michael Long, attorney for defendant CEASAR MARTINEZ, that the status conference set for September 24, 2024, at 9:00 a.m. should be vacated and re-set for November 5, 2024, at 9:00 a.m., under the Local Code T-4 (to allow defense counsel time to prepare).

The parties agree and stipulate, and request the Court find the following:

- a. A continuance is requested to continue to allow the Defense to continue to review the voluminous discovery, conduct investigation, confer with clients and discuss with the government a potential resolution. All Counsel require additional time to prepare.
- b. Counsel for the Defendants believes the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

1 c. The Government does not object to the continuance.

2 d. Based on the above-stated findings, the ends of justice served by granting the requested  
3 continuance outweigh the best interests of the public and the defendants in a speedy trial within  
4 the original date prescribed by the Speedy Trial Act.  
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6 e. For the purpose of computing time under the Speedy Trial Act, 18 United States Code Section  
7 3161(h)(7)(A) within which trial must commence, the time period of September 24, 2024, to  
8 November 5, 2024, inclusive, is deemed excludable pursuant to 18 United States Code Section  
9 3161(h)(7)(A) and (B)(iv), corresponding to Local Code T-4 because it results from a  
10 continuance granted by the Court at defendant's request on the basis of the Court's finding that  
11 the ends of justice served by taking such action outweigh the best interest of the public and the  
12 defendant in a speedy trial.  
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14 Nothing in this stipulation and order shall preclude a finding that other provisions of the  
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which  
16 a trial must commence.  
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18  
19 Dated: September 16, 2024

Respectfully submitted,

20 /s/ Michael D. Long  
21 MICHAEL D. LONG  
22 Attorney for Ceasar Martinez

23 /s/ Todd Leras  
24 TODD LERAS  
25 Attorney for Nehemiah Avila

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27 ///

1 Dated: September 16, 2024

PHIL TALBERT  
United States Attorney

2  
3 /s/ Adrian Kinsella  
ADRIAN KINSELLA  
4 Assistant U.S. Attorney

5  
6 **ORDER**

7  
8 **GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.**

9  
10 The date for the status hearing in this matter is hereby **RESET** for **November 05, 2024, at**  
11 **9:00 a.m.**, before Senior District Judge John A. Mendez.

12 Time is **EXCLUDED** through the new hearing date of November 05, 2024.

13 Dated: September 16, 2024

/s/ John A. Mendez

14 THE HONORABLE JOHN A. MENDEZ  
15 SENIOR UNITED STATES DISTRICT JUDGE  
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